

HENRY A. WAXMAN, CALIFORNIA,  
CHAIRMAN

TOM LANTOS, CALIFORNIA  
EDOLPHUS TOWNS, NEW YORK  
PAUL E. KANJORSKI, PENNSYLVANIA  
CAROLYN B. MALONEY, NEW YORK  
ELIJAH E. CUMMINGS, MARYLAND  
DENNIS J. KUCINICH, OHIO  
DANNY K. DAVIS, ILLINOIS  
JOHN F. TIERNEY, MASSACHUSETTS  
WM. LACY CLAY, MISSOURI  
DIANE E. WATSON, CALIFORNIA  
STEPHEN F. LYNCH, MASSACHUSETTS  
BRIAN HIGGINS, NEW YORK  
JOHN A. YARMUTH, KENTUCKY  
BRUCE L. BRALEY, IOWA  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
BETTY McCOLLUM, MINNESOTA  
JIM COOPER, TENNESSEE  
CHRIS VAN HOLLEN, MARYLAND  
PAUL W. HODES, NEW HAMPSHIRE  
CHRISTOPHER S. MURPHY, CONNECTICUT  
JOHN P. SARBANES, MARYLAND  
PETER WELCH, VERMONT

ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
FACSIMILE (202) 225-4784  
MINORITY (202) 225-5074  
TTY (202) 225-6852

<http://oversight.house.gov>

TOM DAVIS, VIRGINIA,  
RANKING MINORITY MEMBER

DAN BURTON, INDIANA  
CHRISTOPHER SHAYS, CONNECTICUT  
JOHN M. McHUGH, NEW YORK  
JOHN L. MICA, FLORIDA  
MARK E. SOUDER, INDIANA  
TODD RUSSELL PLATTS, PENNSYLVANIA  
CHRIS CANNON, UTAH  
JOHN J. DUNCAN, JR., TENNESSEE  
MICHAEL R. TURNER, OHIO  
DARRELL E. ISSA, CALIFORNIA  
KENNY MARCHANT, TEXAS  
LYNN A. WESTMORELAND, GEORGIA  
PATRICK T. McHENRY, NORTH CAROLINA  
VIRGINIA FOXX, NORTH CAROLINA  
BRIAN P. BILBRAY, CALIFORNIA  
BILL SALI, IDAHO

### STATEMENT OF CHAIRMAN DANNY K. DAVIS AT THE SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA

**H.R. 3551, the “Federal Merit System Reauthorization Act of 2007**

**September 17, 2007**

Mr. Speaker, I am pleased to have worked with Senator Daniel K. Akaka (D-Hawaii), Chairman of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, on the “Federal Merit System Reauthorization Act,” (the Act) which reauthorizes the Office of Special Counsel (OSC) and the Merit System’s Protection Board (MSPB) for three years. The shorter reauthorization period will allow Congress to review OSC’s and MSPB’s implementation of the new provisions in the Act before being reauthorized for a longer period of time.

The Act provides that OSC prescribe regulations to establish responsible and professional standards for investigating complaints; maintain open and regular communications with complainants; establish an alternate dispute resolution office in the District of Columbia; and implement procedural changes to improve agency performance. The Act also establishes a process for external investigation by the President’s Counsel on Integrity and Efficiency (PCIE) when an OSC employee files a complaint alleging wrongdoing by the Special Counsel or the deputy Special Counsel. The PCIE, established by Executive Order in 1992, was formed to address integrity, economy, and effectiveness issues that transcend individual Government agencies, and increase the professional and effectiveness of Inspector General Personnel throughout the Government.

In addition, the Act clarifies that employees filing an Individual Right of Action before the MSPB (bringing a case to the MSPB if OSC has not provided relief in 120 days) need to only identify the precise personnel actions being challenged in the initial complaint to OSC and that relief was not provided by OSC. The Act provides that a complainant can file an appeal to be considered on an expedited basis if an administrative law judge denies a request to suspend/delay the alleged retaliatory action. The Act outlines procedural changes MSPB must implement to improve agency performance.

While OSC and MSPB are required to submit annual reports to Congress on its activities, the Act increases reporting requirements for both agencies in addition to requiring OSC to survey individuals who make whistleblower disclosures to OSC.

Employee rights have been weakened under this Administration. The “Federal Merit System Reauthorization Act of 2007” sends a strong message that whistleblower protection and employee rights are key elements of the federal civil service merit system and must be enforced.

Thank you.